

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE NISSAN RADIATOR/TRANSMISSION : Case No. 10 CV 7493 (VB)

COOLER LITIGATION: :

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STIPULATION OF DISMISSAL OF CLAIMS OF PLAINTIFF LOLITA DILLARD

WHEREAS, Fed. R. Civ. P. 41(a)(1)(A)(ii) provides that a plaintiff may dismiss an action without a Court Order by stipulation of all parties who have appeared; and

WHEREAS, Lolita Dillard asserted claims in this action on behalf of herself and on behalf of a putative class under the Georgia Fair Business Practice Act and for breach of express warranty, common law fraud, unjust enrichment, and breach of contract against defendants in the Amended Complaint filed January 14, 2011 and in the Second Amended Complaint filed January 17, 2012;

WHEREAS, Plaintiff Dillard asserted her claims based on her ownership of a 2005 Nissan Infiniti FX vehicle (the "FX"), which she alleged suffered damage as a result of cross-contamination of the radiator and transmission fluids:

WHEREAS, evidence obtained in discovery confirmed that the FX vehicle did not utilize the same platform or type of radiator and transmission system contained in the 2005 – 2010 model year Nissan Pathfinder, Xterra and Frontier vehicles ("Class Vehicles"), which are the subject of the claims asserted in the Third Amended Complaint and of the proposed settlement in the within action;

WHEREAS, Plaintiff Dillard has resolved her claims with defendants Nissan North America, Inc. and Nissan Motor Co., Ltd. on an individual basis and as part of that agreement has agreed to dismiss her claims against defendants;

NOW, THEREFORE, Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff Lolita Dillard hereby stipulates that she voluntarily dismisses her claims in within action as to all defendants with prejudice and without costs.

Dated: March , 2013

SEDGWICK, LLP

BY: David M. Covey *of permission NSM*

David M. Covey, Esq.
125 Broad Street, 39th Floor
New York, New York 10004
Tel: 212-422-0202
Attorneys for Defendants

**KANTROWITZ, GOLDHAMER
& GRAIFMAN, P.C.**

BY: Gary S. Graifman

Gary S. Graifman, Esq.
747 Chestnut Ridge Road – Suite 200
Chestnut Ridge, NY 10977
Tel-845-356-2570

Howard T. Longman, Esq.
STULL, STULL & BRODY
6 East 45th Street, Suite 500
New York, NY 10017

Matthew R. Mendelsohn, Esq.
**MAZIE SLATER KATZ
& FREEMAN, LLC**
103 Eisenhower Parkway, 2nd Fl
Roseland, NJ 07068

Attorneys for Lolita Dillard